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TRIPARTITE AND CO-OPERATIVE GRANTS

BY THE GOVERNMENTS OF

RUSSIA, GREAT BRITAIN,

AND

THE UNITED STATES OF AMERICA,

OF THE RIGHT OF WAY AND AID TO

PERRY McD. COLLINS,

For the purpose of establishing a Telegraph connecting Europe with the United States, by way of the North Pacific Ocean and Asiatic Russia.

Imperial Russian Grant to Perry McD. Collins; Right of Way and Aid for a Telegraph from the Amoor River, in Asiatic Russia, to British Columbia.

CHIEF DIRECTION OF WAYS OF COMMUNICATION AND PUBLIC BUILDINGS.

No. 820.] SPECIAL CHANCERY OF THE GENERAL DIRECTOR 3D TABLE,

St. Petersburg, May 23, 1863.

To Major COLLINS:

In consequence of your petition of 24th December, 1862, by which you solicit permission to form a company projected by yourself for the establishment of a telegraph from America to the mouth of the Amoor river, upon the basis stated in your petition, I have the honor to inform you that this affair has been examined by the officer performing the duty of governor general of Eastern Siberia, and it has been laid afterwards before the Siberian committee.

According to the decision of the said committee, confirmed on the 15th day of May of this year by his Majesty the Emperor, it has been decided to inform you as follows:

The choice of the most advantageous direction for constructing the telegraph line by your projected company can be left, without the least impediment, to the option and minutest consideration of the undertakers.

The company will have the right to establish along the telegraph line proper and safe stations, convenient roads for surveys and repairs of the line, and likewise ports at those places where large stations upon the coasts will be ap-

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pointed to be erected—considering at the same time that the stations near Behring's Strait ought to be constructed in such manner as to be able to defend them against the natives in case of attack. For the defence of these stations, armed men are to be kept for account of the company, consisting of Russians, in no large but sufficient numbers, and who could be changed every two years. However, as the successful operation of the telegraph, and consequently the advantage of the company, depends upon the fulfillment of the above condition, this clause is not made an imperative duty of the company, under consideration that the Russian government does not take upon itself any obligation of paying annually any money to the company for damages after achievement of the telegraph.

The company's proposition of establishing along the telegraph line villages, and of peopling them with exiled culprits, appears to be inconvenient, according to the opinion of the officer performing the duty of governor general of Eastern Siberia, for the reason that a large portion of the land along which the line will be constructed is but little or not at all convenient for colonization, and further, because the rough climate of the above tract of land may have a deleterious influence upon the exiles brought there from other provinces or countries having a more salubrious climate.

According to the opinion of the same officer, acting as governor general of Eastern Siberia, all workmen, and a portion of the servants on duty along the projected telegraph line, should be Russian subjects; and as many as possible ought to be married men, with their families. This will likewise be important to the company in an economical point of view, as well as in regard to its relations with the Russian government.

The term solicited by the company, viz.: five years in which to establish the telegraph, and thirty-three years for exclusive privilege of the same, can be granted, under condition that if, in the course of the first two years, no beginning should be made, or if, after the expiration of five years, the whole line should not be achieved and put in operation, then the privilege is to cease.

The company cannot be allowed to exercise any right or power in the Russian dominions through which the telegraph will pass; nor is there any necessity to subordinate the natives to the control of the company, who live from the frontiers of Colonies in Asiatic Russia to the frontiers of settlements in Russian America, these natives being already under control of government established by law—of native and other chiefs.

As far as concerns, however, the friendly free-will contracts of the natives with the company, of hiring for work and for guarding the telegraph, the local authorities, guarding, according to their means, will control the fulfillment of their reciprocal agreements.

The government considers it inconvenient to grant to the company the full possession of territories for exploring and constructing the telegraph, but the company can be allowed, for unimpeded construction and repair of the telegraph line, and for the erection of houses for stations, dwelling-houses for workmen, and for service people during the whole period of privilege, to make use of the necessary land, and to employ, without taxes for above purposes, timber wood and materials at the places appointed by government.

The expedition and tariff of despatches must be in accordance with the rules generally adopted for telegraphs, and therefore the government despatches must have preference of private despatches, as agreed upon by telegraph conventions between Russia and the neighboring European powers; and, upon the whole, the order of transmission and tariff must be arranged according to the example

of international conventions concluded between Russia and other powers. Therefore, before the achievement of the undertaking of the company, and before the beginning of operations of its line, the company must send to St. Petersburgh a deputy, with full powers for said special agreement upon the aforesaid basis. At all events, the tariff, by which permission will be given to levy payment for despatches transmitted by their line, must not exceed the tariff adopted in Russia.

For the encouragement of the undertaking of the company, the Government can allow a deduction (*rebate*) of 40 per cent. upon the net profits of despatches transmitted along the Russian telegraph lines solely to America and back; but finds it inconvenient to pay an annual subsidy of one hundred thousand rubles, because the mercantile intercourse of Russia with America is not very considerable. The principal benefits of the telegraph line projected by the company will be derived by America, England and France, and by the great commercial cities of Holland and the north of Germany, with whom the company should make an agreement to obtain from them the subsidy required.

Besides, Russia on her part is giving aid to the company by having consented, in view of seeing the company's undertaking realized, to build a connecting line of telegraph from Verchne Oredinsk to a point (mouth of the Amoor river) where the company's telegraph will join ours, a distance of about three thousand versts (2,000 miles), requiring an expense of about nine hundred thousand rubles (675,000 dollars).

To leave the construction of the intermediate line to you upon your proposed conditions is considered inconvenient.

Finally. The Russian Government will not begin the construction of the intermediate line before you will have presented an act of final formation of your company for the establishment of your projected telegraph, and likewise proof as to the emission and sale of its shares, for at least one-half of the minimum cost of your projected telegraph, and the production of a plan of the direction of the line finally selected and approved by your company.

Fulfilling the duty of director-in-chief of ways of communication and public buildings,

MELNIKOFF,
Lieutenant-General of Engineers.

BORITCHEFFSKI, *Director.*

Decision of Her Majesty's Government granting aid and right of way for establishing a Telegraph across Her Majesty's dominions on the North Pacific, in connection with a line across Asiatic Russia and America, connecting Europe with the United States.

OFFICE OF THE SECRETARY OF STATE FOR THE COLONIES,
Downing Street, London, February 9, 1864.

SIR: I am directed by the Duke of Newcastle to convey to you the decision of Her Majesty's Government with reference to the proposal submitted by you in previous correspondence for establishing a company to construct a telegraph across British Columbia.

His Grace has perused with much interest and satisfaction the letter addressed to you on behalf of the Russian Government, stating the terms on which you will be enabled to construct a line of telegraph from the Amoor

river to the western frontier of Her Majesty's possessions in North America, and intimating the readiness of that Government to effect the works necessary to connect your line with the European system of telegraphs.

His Grace perceives also, with pleasure, that you have reason to anticipate the co-operation of your own Government in extending their own telegraphic communication to the British frontier, and is desirous of affording you every proper facility for connecting the Russian and American system by a line carried across British Columbia, and thus completing the communication between Europe and the east coast of America.

With this object I am directed to inform you that Her Majesty's Government will hold themselves prepared, in case the necessary negotiations with Russia and the United States are concluded, and operations effectively commenced in British Columbia before the 1st day of January, 1867, to secure to the proposed company, by crown patents or other sufficient methods, the following advantages:

1st. You will be empowered to construct a line of telegraph and public road with the stations, block-houses, defensive posts, and other requisite works, along a line to be determined by you, in concert with the Colonial Government, passing through Her Majesty's dominions on the North Pacific, and connecting Russian America with the United States.

You will further be empowered within limits, to be from time to time prescribed by the Local Government, to occupy and use such unappropriated crown lands, and to cut down, quarry and appropriate such timber and stones in the neighborhood of the line as may be required for the construction and maintenance of the above works. It must, however, be understood that the right of use only of the land is granted for the purpose of the telegraph; that the soil remains vested in the crown.

The Colonial Government will, therefore, retain full jurisdiction over the lands, with the right of using, selling or otherwise disposing of them, as far as may be done without interfering with the construction or working of the line, but subject to the obligation of reserving temporarily from sale such quarries or forest land as may be reasonably required for the construction of the telegraph. It must be also understood that, in case of emergency, any block-house or defensible post may be taken possession of by the Government.

2d. The Government will grant or allow the company such rights of way, in connection with the telegraph line, as are necessary for its construction and maintenance.

3d. The company will be allowed to fence and occupy a certain number of lots of cultivatable ground in the neighborhood of their stations or block-houses for the support of their servants.

4th. The Colonial Legislature will be recommended to allow all supplies, materials, stores and clothing intended for the use of the company's service or for the construction of the line, to be admitted free of duty until the period fixed for the completion of the telegraph line, provided it be found that this privilege can be accorded without fiscal inconvenience.

5th. The company will also be allowed, on some part of the coast to be selected by themselves, subject to the approval of the Government, landing places as ample and convenient as the localities will afford for importing the above stores and materials.

6th. On the other hand, it is to be understood that all these privileges are to cease on the 1st day of January, 1870, unless before that date the telegraph line is completed and communication established between the Amoor and the

United States, in connection with the east coast of America; that the working of the telegraph and the proceedings of the company in British Columbia will be subject to such general laws as may be passed for the regulation of telegraphic communication, which will probably provide that in the colony of British Columbia messages to be sent on behalf of the Imperial or Colonial Government will take precedence of all others, and that the Government may take possession of the telegraph for its own purposes in case of emergency, subject, of course, to reasonable compensation.

Lastly, it must be clearly secured, as a condition of the whole arrangement, that the general arrangements of the telegraph shall be such as to place English, Russian and American messages upon an equal footing in regard to the use of the line.

Her Majesty's Government do not doubt that these matters can be satisfactorily arranged on the basis suggested by the Russian Government in the following extract from General Melnikoff's letter of the 23d of May, 1863: "The expedition and tariff of despatches must be in accordance with the rules generally adopted for telegraphs. Therefore the Government despatches must have precedence over private despatches, as agreed upon by telegraph convention between Russia and the neighboring European Powers; and, upon the whole, the order of transmission and tariff must be arranged according to the example of international conventions concluded by and between the different Powers concerned."

I am, sir, your obedient servant,

T. FRED'K ELLIOT.

P. McD. Collins, Esq.

Act of Congress of the United States of America, granting right of way and aid to Perry McDonough Collins, for the construction of a line of telegraph connecting the United States with Europe by way of the North Pacific and Asiatic Russia:

38th Congress, 1st Session.

In the Congress of the United States.

[*Public Act—No.* 171.]

An Act to encourage and facilitate telegraphic communication between the Eastern and Western Continents.

Whereas, the Governments of Russia and Great Britain have granted to Perry MacDonough Collins, a citizen of the United States, the right to construct and maintain a line of electric telegraph through their respective territories, from the mouth of the Amoor River, in Asiatic Russia, by way of Behring's Strait and along the Pacific coast to the northern boundary of the United States, with a view of thereby uniting the telegraphic systems of both continents, and of promoting international and commercial intercourse; and whereas the Government of Russia, in furtherance of that object, is now constructing a line of telegraph through its Asiatic territory to unite, at the mouth of the Amoor River, with the line projected by said Collins; and whereas the Government of the United States desires cordially to co-operate with Russia and

Great Britain in the establishment and maintenance of such a line of communication: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Perry MacDonough Collins, of California, his associates and assignees, shall have the right to construct and maintain a line or lines of telegraph from any point or points on the line of the Pacific telegraph, constructed in pursuance of the act of Congress approved June sixteen, eighteen hundred and sixty, northerly, through any of the territories of the United States, to the boundaries of British America, with such branch lines as may be needed to open communication with the various mining districts and other settlements in said territories. And for the purposes aforesaid, the said Collins, his associates and assignees, shall have a permanent right of way over any unappropriated public lands of the United States, together with the right to take any timber and stone for construction purposes; and for the purpose of establishing and maintaining said lines, and the stations necessary for the repair and working thereof, there is hereby granted to said parties the use of so much unappropriated public lands, not sold, granted, reserved, pre-empted, nor occupied by homestead settlers, as may be necessary for stations, not exceeding forty acres for each fifteen miles of line constructed across the public lands of the United States, so long as the same may be used for the said purpose: *Provided, however*, That so much of section one of this act as authorizes the construction of telegraph lines to open communications with the various mining districts and other settlements in said territories shall be null and void unless said branch lines shall be completed within five years from the approval hereof.

Sec. 2. *And be it further enacted*, That, in order to encourage and aid the construction of said line of telegraph beyond the limits of the United States, the Secretary of the Navy is authorized to detail, for the use of the surveys and soundings along that portion of the Pacific coast, both of America and Asia, where it is proposed to establish said telegraph, one steam or sailing vessel, in his discretion, to assist in surveys and soundings, laying down submerged cable, and in transporting materials connected therewith, and generally afford such assistance as may be deemed best calculated to secure a successful promotion of the enterprise.

Sec. 3. *And be it further enacted*, That the Government of the United States shall, at all times, have priority in the use of the line or lines, so far as the same are within its territory, and shall have the right, when authorized by law, to connect said line or lines by telegraph with any military posts of the United States, and to use the same for Government purposes. And in order to secure the same from injury by savages or other evil-disposed persons, to the interruption of the public business, the Secretary of War is authorized to direct the commanders of the military districts or stations and other officers, acting under authority of the United States in the Territories traversed by said telegraph, to use any available force at their command to protect the same. Subject to the right of prior use by the Government, as aforesaid, said line or lines shall be at all times open to the public and to any other telegraph company upon the payment of the regular charges for transmission of despatches, and all despatches received shall be transmitted over said line and lines in the order of their reception at the telegraph office; and the answers to said despatches shall be delivered to such parties as may be directed by the sender.

Sec. 4. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare, by facilitating

international and commercial intercourse between the eastern and western continents in the construction of said telegraph, and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for diplomatic, naval, military, postal, commercial, and other purposes, Congress may at any time add to, alter, amend, or repeal this act.

SEC. 5. *And be it further enacted*, That the rate of charges for public or private messages shall not exceed on said line the average usual rates in Europe and America for the same service, or such rates as shall be ascertained and fixed by a convention between the United States, Russia, and Great Britain; *Provided*, That it shall not be lawful for the owners or officers of said telegraph line to make any contract, either directly or through any intervening party or parties, for the transmission of despatches for any newspaper or newspaper association upon terms different from those open to the enjoyment of all other newspapers or newspaper associations.

Approved, July 1, 1864.

A. LINCOLN.